

Office of the Independent Chairmen

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SUMMARY RECORD OF STRAND TWO MEETING - WEDNESDAY 28 JANUARY 1998 AT 1010 - LANCASTER HOUSE, LONDON

CHAIRMEN:

Senator Mitchell
Mr Holkeri

THOSE PRESENT:

British Government
Irish Government

Alliance
Labour
Northern Ireland Women's Coalition
Progressive Unionist Party
Sinn Féin
Social Democratic and Labour Party
Ulster Unionist Party

1. The Chairman convened the meeting at 1010 and stated that, at the previous session, it had been agreed that the discussion on the questions listed in the joint Government paper "Strand Two: North/South Structures" would continue until either that discussion was exhausted or until 1300, whichever was the sooner. The Chairman reminded participants that a Strand Three Liaison meeting was scheduled for 1400. He also reminded everyone that Alliance and Labour had provided initial answers to questions (a) - (g) and two other parties had suggested written responses. The Chairman said these responses, like the oral ones, were voluntary and should be submitted by noon on Friday 6 February. The Chairman then asked the SDLP for comments.

2. The SDLP said it wished to respond to questions (a) - (g) now and would also be submitting a response in writing. The party then outlined its responses as follows:

- (a) formal North South structures were essential to the promotion of the best interests of both parts of Ireland economically, socially and culturally. They were also necessary to the task of winning the agreement of Irish nationals North and South, to a political

settlement. The new Ireland Forum led the way in redefining the basis to North/South relationships by stressing that any new settlement would have to accommodate together two sets of legitimate rights: (i) the right of nationalists to effective political, symbolic and administrative expression of their identity; and (ii) the right of unionists to effective political, symbolic and administrative expression of their identity, their ethos and their way of life.

North/South structures would simultaneously serve the best interests of all the people of Ireland economically, socially and culturally. There were so many areas of public administration - agriculture, the environment, education, public health, medical services, to name only a few - where the common interests of both parts of Ireland were so obvious, that it was in the best interests of all the people of Ireland that they be pursued jointly. This was particularly strengthened by the common membership of the EU.

- (b) The North/South Council would be composed of Ministers representing the Irish Government and new democratic institutions in Northern Ireland. The legal basis would be derived from a new British/Irish Agreement and consequential legislation in both sovereign parliaments.
- (c) The role of the Council would be to discharge or oversee delegated executive, harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designated in the first instance in agreement with the parties or which the two administrations, North and South, subsequently agreed to designate. In determining matters to be remitted account should be taken of (i) the common interest in a given matter on the part of both parts of the island; (ii) the mutual advantage of addressing a matter together; (iii) the mutual benefit which may derive from it being administered by the North/South body; (iv) the achievement of economies of scale and the avoidance of unnecessary duplication of

effort. Among matters to be remitted could be aspects of the following: agriculture and fisheries; economic development; consumer affairs; education and cultural matters, transport, environment; European and other international relations affecting the whole island (paragraph 33 of the Framework Document provided more examples). The categorisation of these matters could be areas of functional/administrative responsibility in such a way as to ensure effective briefs for those participating in the Council. The role of the Council with respect to the matters remitted in each category would be determined by whether it would be executive, consultative, advisory, or harmonising.

- (d) The Council could operate in sectional and in plenary formats. In the former the respective Ministers would constitute the Council; in the latter the Taoiseach and the Head of the Northern Executive and an equal number of relevant ministers from both Executives would meet to review developments and policies. Meetings of the Council shall be co-chaired.
- (e) membership of the Council would be a duty of service on all HoDs in a new northern administration and on Ministers of Governments in the South according to their respective areas of responsibility.
- (f) Decision making would be on the basis of consensus; failure to reach agreement at sectional meetings would be referred to plenary meetings of the Council.
- (g) The Council would operate within the overall terms of reference mandated by legislation in the two sovereign parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North/South body would be subject to regular scrutiny in agreed political institutions in Northern Ireland and in the Oireachtas respectively and through a

representative joint forum comprising an equal number of members of both the Oireachtas and any new institutions in the North.

3. The NIWC said it would respond initially and follow this with a written submission. The party said it welcomed the statement from the Governments of their commitment to the Framework for Agreement where their views were clearly set out in paragraphs 24 - 38. The party responded to the questions as follows:

- (a) The broad purposes of North/South structures were identified as follows: to develop synergies of common interest and strategic planning around economic, social cultural and equity areas of concern; to provide a framework for the building of trust and the breakdown of barriers between communities North and South; to enhance and consolidate existing cultural, social, economic and community linkages; to remedy the current deficiencies in cross-border infrastructure linkages to enable effective cross-border communications between North and South; to develop the potential contribution of and interchange between civil society both North and South of the border.
- (b) The North/South Ministerial Conference (council) should bring together the heads of departments, civil servants and Ministers representing both the Irish Government and the new Northern Ireland Assembly to discharge and oversee delegated executive, harmonising or consultative functions as are agreed as an integral part of any settlement. Both civil servants and elected politicians involved should be under a duty of service to ensure such delegated powers were carried out on a satisfactory basis.
- (c) The main function of the Council should be to oversee a range of functionally related subsidiary bodies or other entities established to administer designated functions on an all-island or cross-border basis.

- (d) The subsidiary bodies should be agreed as part of the Talks Process and then relevant heads of departments/Ministers should meet on a bilateral basis to oversee their "family" of agencies.
- (e) Membership of the Council should be relevant Ministers which support networks of relevant civil servants.
- (f) The subsidiary bodies should take day-to-day decisions within the terms of the delegated decision-making. When the issues involved go outside this framework then the matter should be for discussion by the relevant Ministers and advice should be forthcoming from the Dail and the Northern Ireland Assembly.
- (g) With regard to guidance of the implementation bodies this should be offered on a regular basis by the North/South Ministerial Council. However, annual meetings of the Dail and the Northern Ireland Assembly should be held to offer focused support for the strategic development of cross-border initiatives. In addition to the above any new bodies should be transparent with regard to the implementation of their functions. Annual reports should be published and widely disseminated. It is assumed that the respective Ministers involved would also have a responsibility to keep their respective administrations/assemblies informed of the work of their subsidiary bodies.
- (h) There was an overlap between this question and that of (g). An agreed range of implementation bodies should be established as part of the current Talks Process. Depending on the growth of co-operation and devolved powers to a Northern Ireland Assembly, either the Dail/Northern Ireland Assembly annual meetings or the joint British and Irish Governments should be able to suggest new areas of all-island implementation over time.

The accountability of implementation within agencies might well be finally guaranteed by the voting of their budget by the British and Irish Governments or by the meeting of the joint Dail/Northern Ireland Assembly. The NIWC would prefer the latter.

- (i) The British and Irish Intergovernmental Council would largely be responsible for non-devolved areas of responsibility. It might well have an overseeing role on the effectiveness of the North/South Ministerial Council and its respective agencies. The Intergovernmental Council might well have a policing role in relation to any reported breach in the duty of service of Ministers in the operation in practice of the North/South Ministerial Council.

The Intergovernmental Council might well decide to devolve to the North/South Ministerial Council the task of elaborating a common chapter of the EU Structural Funds to plan an effective EU cross-border dimension. This should be implemented on a joint-strategic basis rather than on a back to back approach.

- (j) Funding should be made available from the British and Irish Governments in consultation with the European Union.
- (k) It is felt that the main administration support will be required by all-Ireland subsidiary bodies and that existing North/South civil services should have a duty of service to provide support to the North/South Council.

4. Sinn Féin said it would also provide an initial response. The party said any new arrangements had to be capable of achieving national reconciliation and unity on the island in a way which reflected diversity and rights of all people. Such arrangements must be underpinned by political democracy and accountability. They must also have a broadly

transitional role, behind any formal all-Ireland institutions or any North/South structures. The party said it wished to argue that the North/South Ministerial Council must not be subservient to any other structure. It would also argue that the areas of executive power should be the maximum amount of meaningful areas. The North/South Ministerial Council must be dynamic; it should have unlimited powers voted to it.

5. Sinn Féin also said it believed there was a challenge in all of this for the Republic's Government in terms of thinking how it could transform from a 26 county centralised structure of government to one with devolution of powers. There also had to be systematic protection of economic, social and political rights to underpin any new arrangements. The party said it was very conscious of the unionists' position in all of this and its broad view was for a pluralist Ireland.

6. Sinn Féin said it wished without equivocation to acknowledge the UUP's remarks the previous day as a sincere effort to convey its sense of the republican position. Sinn Féin said it had commented before that republicans had caused hurt to the UUP's constituency and the latter had suffered in the present conflict as all had suffered. The party said it had tabled a proposal focusing on regional Councils. Perhaps this was an end shape of what may be possible but the important point was that everyone had to make some sense out of all of this. Sinn Féin said a participatory democracy had to be achieved; it was what happened on the ground that was important. There needed to be a lot of discussion on issues such as policing, justice and demilitarisation. The party said a consultative forum might also have a role to play in new arrangements with particular emphasis on the voluntary sector. This was an idea which Sinn Féin wished to see develop.

7. Sinn Féin said any new structures must have a legislative basis and operate in a fair, accountable and non discriminatory manner. They must not discriminate against any section of the people and, to reinforce this, an effective arbitration system needed to be put in place. Sinn Féin said it didn't accept the British Government's view, articulated in the

previous session, that it was now over to the parties to achieve an agreement on these issues. The party said it would be happy to present its views but ultimately it was the Governments who had the powers to take matters forward and it needed their comprehensive and considered answers to the questions they themselves had posed.

8. The PUP began by referring to the latest public statement issued by the LVF. The party said that it was a cold reality that as everyone strove in London to bring people together through the talks process, there were those in Northern Ireland who were trying to destroy it. The LVF threat against community workers was another serious and evil development and everyone needed to express their revulsion of this and total support for community workers. They deserved support from the participants for the work which had been carried out over many years, in many cases; operating as the last line of reality in tension filled and fearful communities.

9. In relation to the Governments' questions, the party said it wished to get across the point that there was an emotional difficulty about co-operation between the two parts of Ireland. The party said this emotional difficulty had to be dealt with alongside the bringing down of traditional enmities between North and South which directly affected the totality of relationships. The PUP said it believed there were three key factors which had to hold up at all times in relation to cross-border structures, transparency, accountability and stability. Accountability was the mandate for those representatives of the new Assembly who would meet on an agenda of mutual benefits for both sides. The agenda for such structures would be set by the perceived needs of either parliament in the North and South. Such North/South structures as would be established could only decide to act on the issues which were agreed by both sides.

10. The PUP said this was a fundamental point but such an approach was not a veto on agreement but rather to ensure the mutual benefit to both sides of agreement. Put another way, the party said co-operation would fail to exist if no mutual benefit was identified. The

PUP added that the building of trust was the most significant need in Northern Ireland and between North and South and to develop such trust the party believed regular meetings, even on a minimum basis of four times per year, needed to take place. The PUP said any new North/South structures had to operate on the basis of a mandate of such bodies. A preying Irish Government not wholly committed to the state of Northern Ireland would only give rise to fears within unionism since negotiations in this area would be between Northern Ireland as a region and Dublin as a sovereign power. This relationship, in operational terms, loomed large for unionists but if trust could be built up between those parties then this might provide a much stronger foundation.

11. The PUP referred to the UUP's comments the previous day and in particular the party's (the UUP) statement that it is present at the talks to reach a settlement. The party said it had listened to Sinn Féin's comments earlier and had come to the conclusion that a settlement was some way off. The party, referring to other UUP comments from the previous day, said future generations would make their own decisions on how to shape their political future. All everyone present could do was to create appropriate structures from which trust might be allowed to grow. Perhaps this situation, if reached, might help those in future to maintain and develop such trust in future political business.

12. The PUP said it believed a committee system should be used to govern Northern Ireland. If set up, the Northern Ireland Parliament would be there in its integrity and there would be no need to have a series of copper fastened circumstances dictated by foreigners to ensure that it worked properly. The party said it hadn't gone down the list of questions posed by the Governments, but it had answered the main one, referring to its rejection of the Framework Document proposals. The PUP said it looked forward to further discussions in Strand One next week in Belfast.

13. The UUP said it wished to comment on a few of the PUP's remarks. It hadn't heard about the new LVF threat but wished to identify with those comments. The party said many

of its representatives were involved with community workers in all parts of Belfast and further afield and they were a very dedicated group of people. The UUP said it seemed a very sinister development to target those individuals but it was not the first time this had happened since other public servants had been targeted in the past. The party said there would inevitably have to be a robust response to this latest threat and associated ones from the British Government. Such a response would indicate that the security forces were fully prepared to deal with any upsurge in violence which might coincide with agreement in the process, if the latter proved possible. The UUP said it condemned the latest threats outright and hoped that they would not be carried out.

14. The British Government, referring to the UUP's comments, said it took the threats seriously and utterly condemned them. It said it would pass on the comments to the security side of the NIO. The British Government said it had noted the points made in the debate thus far. The debate had been helpful and it hoped participants would be able to return to Belfast with a view that some common ground could be reached. The British Government said it believed both Governments' approach to the "Structures" paper, and in particular, the formula of questions, had been correct. It encouraged responses from all the participants in time for the next Strand Two session after which everyone would need to consider what happened next. One suggestion might be to draw up areas of agreement and disagreement, then issues which were left out of these categories. The process could then focus on these and hopefully get to an agreement which everyone was looking for.

15. Sinn Féin referred to the PUP's comments regarding the republican position and how this was viewed and assessed by all unionist representatives. The party said it was mindful that when it and the SDLP talked about unionists there was a danger that the latter always viewed both as something from another inferior world - Ireland. Sinn Féin said it was tremendously intrigued by the motion that its representatives were anything other than human beings. The party said it never felt the Irish were any better than anyone else internationally in a free world where colonisation was a thing of the past. Yet here

everyone was in London and despite the fact that nationalists, republicans, unionists and loyalists were present the outside viewed everyone as Irish. The party said it had a broad view based on the principle that everyone had the right to put forward their view and no one had anymore rights to do this than anyone else.

16. Sinn Féin said it understood the PUP's comments regarding future generations but the process everyone was presently involved in was about the future of today's children. It would be those children who would respond to the political conditions established from this process. The party said it had to be remembered that wiser people had tried to sort out the crisis in Ireland before now and hadn't succeeded and the crisis hadn't been sorted out yet, given the latest LVF threats. Sinn Féin said it wanted to have a totally different situation in the future to what everyone had lived through. The party said it didn't want the unionists to have to do what it had done over the last 30 years but avoiding this needed careful negotiations etc. The City of Belfast had seen many different cultural celebrations in recent years and a progressive mix was developing. The party said this could be traced back to the Fenian movement started by Presbyterians from Protestant working stock. Sinn Féin said all of this cultural history and identity needed to be reclaimed. If this had been hijacked by the party and its supporters then now was the time for unionists to reclaim it from it. Sinn Féin said the whole issue of consent was a two way street. It had to be worked out through agreement and it could be sorted out. There was a great opportunity to sort it out and leave the patsies like the LVF behind if everyone could get beyond their necessary tactical approaches. Sinn Féin said it hoped these comments were helpful. It wasn't a matter of handing the problems on to another generation. It was up to everyone around the table to make a difference in their generation.

17. The SDLP took up some points made by the PUP. Some parties were suspicious of the idea of a duty of service, seeing it as trapping people into roles they were unhappy with. The SDLP did not see it like that, but as adding an element of safeguard and political assurance to the new arrangements. Duty of service was consistent with collective

responsibility and legal requirements. It should also apply not just in Strand Two but throughout the Strands. The PUP had represented the doubts and suspicions in the unionist community about how nationalists might exploit North/South bodies, and had suggested that some things, such as a duty of service, would not be necessary because the integrity of the structures to be established in Northern Ireland would answer any such concerns. It needed to be remembered, however, that nationalists had precisely the same level of doubts and suspicions about the structures proposed in Strand One, for reasons which it was not necessary to go into. There was an equality of distrust in these areas. The SDLP also stressed that the party would not be satisfied with North/South arrangements which amounted to a political day trip for nationalists. There were political imperatives for nationalists in Strand Two, just as there were for unionists at various points in the talks. All parties had interests and requirements which were interlinked and operating throughout the Strands.

18. Alliance felt that opportunities to share in the cultures of both communities should be developed. The Irish language, for instance, was an important part of the heritage of the island of Ireland, but many people felt it had been hijacked as an issue by Sinn Féin. On marches, while some were undoubtedly triumphalist, there needed to be some understanding by nationalists of their importance to unionists. It was important to try and create an environment of confidence and trust. Sinn Fein said that there were many diverse cultures in Ireland. Like other parties, Sinn Fein had policies on many issues. The party could not be accused of hijacking an issue just because it was the only one campaigning on it. The English language tradition in Ireland was also of great importance. NIWC agreed with much of what had been said by Alliance and Sinn Fein in terms of the opportunity to enjoy and share in our various cultures. It was important that we continue to speak to each other in the way we had today. We should recognise our history but be able to progress beyond it.

19. The SDLP appreciated the passion and commitment it was hearing in the discussion. However, the party said that appeals by nationalists to unionists to reclaim their heritage of 1798 and the radical tradition could be read as hoping that unionists would become the sort of people that we want them to be. However attractive this might be to nationalists, it was missing the point, as unionists no longer espoused that tradition. The SDLP's point of departure was the conclusion in the New Ireland Forum Report that the only basis for new political institutions would be respect for the rights and identities of both traditions. A way had to be found to give expression to this in political structures.

20. Sinn Féin agreed with the SDLP's points, and said it had suggested reclaiming aspects of Protestant tradition which might represent common ground, and not with the idea of changing unionist identities. The party accepted that unionists came to the process on their own terms, but equally republicans needed to come on their terms. The first tough decision for unionists would be to talk. The problems in Ireland involved a mixture of politics and religion, but the two were not the same. Many republicans might have disagreements with the Catholic hierarchy, or prefer the Presbyterian structure, or find Methodism more progressive. Whatever one's beliefs, the spectacle of clergymen supporting those doing the killing was repulsive. As regards respect for traditions, Sinn Féin had defended the rights of Orangemen to march. Of over two thousand marches annually, only about a dozen caused trouble.

21. The PUP asked if Sinn Féin accepted that there were over one million people in Northern Ireland, including some from the Catholic tradition, who wanted to stay in the UK. The Peace Forum in Dublin had done a lot of good work, but Sinn Féin had been unable to agree to its final report because it contained the principle of consent. The Irish Government, and indeed the British and US Governments, had accepted the principle of no change in status without consent. The PUP was here on that basis, and believed that we were not too far from an agreement.

22. The Chairman noted that the discussion seemed to have come to an end. He said the Chair would review the responses to the questions posed in the Governments' paper, including written responses where received, and determine if they lent themselves to a composite document. If so, it would be hoped that such a document could be ready by 10 February, but in any case either a composite document or the circulated replies would form the agenda for the next meeting on 10 February. It seemed clear that responses would show participants to be quite close on some areas, and not on others. It would be important to identify the areas of agreement and isolate the areas of difference. Strand Two would meet again on 10 and possibly 11 February, and then the following week in Dublin. Sinn Féin felt it would be unbalanced to proceed in this way without the Governments also making known their views on the questions they had raised. The Chairman said that, in accordance with normal practice, all replies or papers would be voluntary, at the decision of each participant.

23. On the question of cross-Strand issues, the Chairman recalled that this had been discussed in Plenary. In view of the opposition of the UUP at that time to convening a cross-Strand group, it had been agreed that the Chair would consult with the other parties on this question before making a decision, and he asked now for a brief indication of parties' views on whether a cross-Strand meeting was now warranted. The Irish Government favoured a meeting: issues of rights and safeguards should not be left till last. Alliance said it had always said the Strands were not hermetically sealed. There would be a need for a cross-Strand meeting, but perhaps not yet. Labour said it would like an indication of the issues to be discussed before proceeding. NIWC was surprised at the views expressed by Alliance and Labour. The talks thus far had been very focussed on institutions, and rights and safeguards had fallen by the wayside. A cross-Strand meeting would be very appropriate now. The PUP had no objections to a meeting if there was a defined agenda, but wondered if this was not a matter for the Business Committee to consider. The Chairman recalled again that the Plenary had been content that the matter be dealt with in this way.

24. Sinn Féin believed there should be a meeting, and suggested there were a number of very important cross-Strand issues to be discussed: rights and safeguards, sovereignty, constitutional issues, demilitarisation, political prisoners, policing. The SDLP said the Business Committee had looked at this question and recognised that it was not a matter for it. The Business Committee had also left some time in the timetable the week after next for a possible meeting. The party thought a cross-Strand meeting now made sense. The UUP agreed with Alliance that a meeting would not be appropriate at this point. There was a need first for greater progress on the current agenda in the Strands. The question was what were cross-Strand issues? As possible issues arose they should be looked at by the Business Committee. The party did not see the need or desire for a meeting at present. The British Government had no objection to a meeting if participants desired one, but felt that a number of the issues that might come up had yet to be addressed in Strand One. Rights issues, for instance, certainly had cross-Strand implications, but arose in the first instance in Strand One.

25. The Chairman said he now had the parties' views, although they did not really make a decision easier. Sinn Féin said that the Prime Minister had made clear yesterday his view that the next important step in the process was for the parties to engage in a meaningful way. The party therefore asked the UUP to consider holding a bilateral meeting. The UUP said it had made its position clear on this question yesterday, and had nothing to add.

26. The Chairman adjourned the meeting at 1155, and called on the participants to reconvene at 1215 for the Strand Three Liaison meeting.

**Independent Chairmen Notetakers
11 February 1998**